

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA)
)
v.)
)
KATRINA PREBLE, Defendant.)
)

Case No.: 1:20-mj-00316

MOTION TO RECORD INTERVIEW(S) OF DEFENDANT

NOW COMES the Defendant, by and through her Undersigned Counsel, and hereby requests that this Honorable Court order that a video tape record be made of the Defendant's interview(s) upon which the competency report is based, and in support thereof states as follows:

1. The Defendant is charged with two (2) counts of Interstate Threats, 18 U.S.C §875(c).
2. The Defendant was found incompetent by this Court on May 20, 2021. The Defendant has been transported to the Federal Medical Center – Carswell (FMC Carswell) for competency restoration.
3. As part of the restoration process, the Defendant will be subject to numerous interview(s)/evaluation(s) by staff at FMC Carswell.
4. 18 U.S.C. § 4247(f) states as follows: "Upon written request by Defense counsel, the Court may order a video tape record be made of the Defendant's testimony or interview upon which the periodic report is based pursuant to subsection (e). Such video tape records shall be submitted to the court along with a periodic report."

5. The Defendant has requested that this court issue an order requiring a video tape record to be created of her interview(s) at FMC Carswell as they pertain to the ongoing evaluation of her competency. She disagrees with many of the representations in the prior evaluation as they pertain to her statements. She also has indicated that information she conveyed to the examiner was not included in the report. Creating a video record of her interviews will provide for transparency in the evaluation process and could be useful in resolving any future disputes about what information was or was not discussed during this process.

6. The Defense further requests that that any video record be treated as an exhibit to any competency evaluation(s) and not be made available for public review.

7. The Government takes no position and leaves the matter to the discretion of the Court.

WHEREFORE, the Defense respectfully requests this Court grant this motion in all respects and order any further relief which is proper and just.

Respectfully submitted,

Dated: June 22, 2021

/s/ Scott Hess

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CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2021, I filed the foregoing Motion to Record Interview(s) of Defendant using the Court's CM/ECF system, which will cause a copy of the motion to be sent to all counsel of record.

/s/ Scott Hess

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